

Town of Brookline  
Advisory Committee Minutes

Harry K. Bohrs, Chair

January 28, 2014

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Present: Harry K. Bohrs, Clifford M. Brown, Lea Cohen, John Doggett, , Bernard Greene, Kelly A. Hardebeck, Nancy S. Heller, Amy F. Hummel, Systke Humphrey, Janice S. Kahn, Bobbie Knable, Fred Levitan, Pamela Lodish, Sean M. Lynn-Jones, Shaari S. Mittel, Michael Sandman, Lee L. Selwyn, Stanley L. Spiegel, Charles Swartz, Karen Wenc, Christine Westphal

Absent: Carla Benka, Sumner J. Chertok, Benjamin Franco, Angela Hyatt, Alisa G. Jonas, Leonard A. Weiss

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The meeting was called to order at 7:30 PM.

**Announcements:**

Advisory Committee Annual Photo taken

**1. Agenda Item:** Invoke of chapter 44

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Present: Andrew M. Pappastergion, Commissioner, Public Works

C. 44 permits DPW to overspend its snow removal budget and move forward with a deficit budget until the spring, when after applying any DPW budget surpluses from elsewhere, DPW may need to come back to request Reserve Fund Transfer if still at a deficit. With multiple storms in Winter 2013-2014, already at a deficit and requesting authorization to overspend the DPW snow removal budget, which is deliberately set at a low level at the start of each fiscal year.

**Vote:**

Upon motion duly noted and seconded, the committee voted regarding the invocation of chapter 44: 20 in favor, unanimous.

**2. Agenda Item:** Reserve Fund transfer request for outside services related to appeal of the 40B project proposal at Hancock Village

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Present: Joslin Murphy, Acting Town Counsel; Dan Bennett, Building Commissioner; Alison Steinfeld, Planning and Community Development Director; Mel Kleckner, Town Administrator

**Discussion:**

The developer, Chestnut Hill Realty, has applied for a comprehensive permit, which would allow it to bypass most zoning bylaws, although still subject to all building and safety codes. The Town Administrator wants to ensure that Brookline takes all measures necessary to make this the best project possible. The outside services will include legal advice by attorneys specializing and with high expertise in the niche area of comprehensive permits, and also engineering advice,

40B is a state statute that trumps local zoning, and if it is appealed from the local level, the state tends to be highly developer friendly. Brookline would like to work with the developer to work out the best benefits for the town and that is the purpose of these outside services.

There is also ongoing litigation concerning site eligibility, which is being handled in-house by the Town of Brookline legal counsel, Joselin Murphy, and not the purpose of this requested fund transfer.

**Vote:**

Upon motion duly noted and seconded, the committee voted in regard to the Reserve Fund transfer request in the amount of \$150,000:

To approve, 16 in favor, 3 opposed, 1 abstained.

**3. Agenda Item:** Budget presentation, Sean Cronin

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Present: Sean Cronin, Deputy Town Administrator

**Discussion:**

On February 11, the financial plan/ budget will be ready. It is going to be a bridge budget, with the notion of no harm/ no foul, i.e., no cuts, no expansion. The bridge budget gives us more time to consider the over-ride issues and come to some clarity, so under this approach, the over-ride measure would be considered in 2015. This still leaves the town at a \$1mil deficit, not taking into account additional school department needs, but the town is confident it can raise the \$1mil from various revenue expansion measures, certain reserves and/or surpluses.

The school department is seeking \$800,000 for technology and \$800,000 for 'catch-up' costs for certain classes of school employees. Overall, the school department has been quite inflexible on its financial issues, such as METCO and materials fees students, which together represent 43 students in 2014 and 500 kids overall.

Issues that could impact the budget between now and Town Meeting in April include:

- State aid
- Health insurance
- Capital needs

Key capital issues this year include:

- Building at Driscoll and the High School
- Exclude Devotion through debt exclusion

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The meeting was adjourned at 9:15 PM.

**Appendix:**

1. Reserve Fund re Hancock Village Transfer Request\_40brftvote
2. HV 40B Memo to Boards and Commissions 120313 5
3. 40bdhbcmemo
4. Public Hearing Jan 22 INFO
5. springcal14\_draft



# TOWN of BROOKLINE Massachusetts

BOARD OF SELECTMEN  
MELVIN A. KLECKNER  
Town Administrator

In Board of Selectmen  
January 7, 2014

## RESERVE FUND TRANSFER

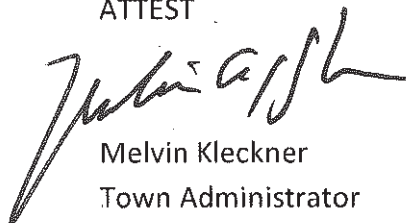
Question of approving and transmitting to the Advisory Committee the request of Town Administrator Melvin A. Kleckner for a Reserve Fund Transfer for 40B Consulting Expenses in the amount of \$150,000.

On motion it was,

Voted to approve and transmit to the Advisory Committee the request of Town Administrator Melvin A. Kleckner for a Reserve Fund Transfer for 40B Consulting Expenses in the amount of \$150,000.

Aye: Betsy DeWitt, Nancy Daly, Richard Benka, Kenneth Goldstein, Neil Wishinsky

ATTEST



Melvin Kleckner  
Town Administrator



## TOWN of BROOKLINE Massachusetts

BOARD OF SELECTMEN  
MELVIN A. KLECKNER  
Town Administrator

**TO:** Board of Selectmen

**FROM:** Mel Kleckner, Town Administrator

**SUBJECT:** Consulting Expenses for Chapter 40B Process

**DATE:** January 6, 2013

This memorandum addresses the need for the Town to effectively respond to the comprehensive permit (40B) application at Hancock Village, including a proposal to request funding via a Reserve Fund Transfer. As you know, Chestnut Hill Realty (CHR) has submitted a comprehensive permit application under Chapter 40B of the Massachusetts General Laws in order to develop 192 units of housing at Hancock Village in south Brookline.

The Town has been vigorous in its review/response of this proposal to date. The Board of Selectmen submitted extensive comments to MassDevelopment urging its rejection of site eligibility. The first application was withdrawn by CHR. After the second application was approved, the Board of Selectmen initiated litigation to compel MassDevelopment to follow new regulatory requirements when determining eligibility. Meanwhile, the comprehensive permit application has been filed with the Town and the Zoning Board of Appeals (ZBA) must meet an aggressive schedule for opening the public hearing and acting on the development proposal.

The Board of Selectmen is committed to providing the ZBA with sufficient legal, technical and administrative resources in order to meet its obligations. The Town will pursue reimbursement of eligible peer review consulting costs from the developer via MGL C. 44 §53G and will apply for up to \$15,000 in technical assistance funding through a grant program offered by the Massachusetts Housing Partnership. However, this will not cover the legal consulting and dedicated administrative support services that the ZBA will require. In addition, the Board of Selectmen and its municipal departments are obligated to evaluate the proposal from the Town's interests and will provide the ZBA with detailed analysis and testimony on a range of development issues including, but not limited to, traffic, civil engineering (sewer/stormwater), land use (including urban design and neighborhood/historic preservation) and public safety access.

While the Town has qualified staff to perform some of these tasks, the magnitude of the development impacts and the limited time frame demand dedicated and expert consulting

assistance. At this time, I can only estimate the costs of these services (see attached). I would appreciate your approval and support to request a transfer in the amount of \$150,000 from the Reserve Fund to meet these expenses in FY 2014.

Thank you for your consideration.

cc: Harry Bohrs, Chair, Advisory Committee  
Jesse Geller, Chair, Zoning Board of Appeals  
Alison Steinfeld, Planning Director  
Joslin Ham Murphy, Acting Town Counsel  
Dan Bennett, Building Commissioner  
Sean Cronin, Deputy Town Administrator

# Projected Consulting Expenses for Hancock Village Chapter 40B Development Application

	Vendor	Cost Projection	Notes
<b>Zoning Board of Appeals</b>			
Legal	Krokidas and Bluestein	\$ 75,000	Legal Costs not Eligible for Reimbursement Costs of Peer Review to be Reimbursed by Developer Up to \$15,000 will be reimbursed via MHP Grant Costs to be Reimbursed by Developer
Civil/Traffic Engineering (Peer Review)	TBD	NA	
Administrative/Technical	Maria Montelli and Others TBD	\$ 25,000	
Stenographic	Merrill Corporation	NA	
<b>Subtotal Zoning Board of Appeals</b>		<b>\$ 100,000</b>	
<b>Board of Selectmen/Municipal Departments</b>			
Legal	TBD	?	None at this time
Civil/Traffic Engineering	BETA Engineering	\$ 25,000	
Land Use Planning and Design	The Cecil Group	\$ 25,000	
Other	To be Determined	?	
<b>Subtotal Board of Selectmen/Municipal Departments</b>		<b>\$ 50,000</b>	
<b>TOTAL</b>		<b>\$ 150,000</b>	



# TOWN of BROOKLINE

*Massachusetts*

## BUILDING DEPARTMENT

**Daniel F. Bennett**  
Building Commissioner

### **INTEROFFICE MEMORANDUM**

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**Date:** December 3, 2013

**To:**

Advisory Committee	Housing Advisory Board
Advisory Council of Public Health	Human Resources Board
Audit Committee	Information Technology Advisory Committee
Board of Assessors	Library Trustees
Brookline Access Television	Naming Committee
Brookline Commission for the Arts	Registrars of Voters
Brookline Commission For Women	Retirement Board
Building Commission	Solid Waste Advisory Committee
Campaigns Committee	Town/School Labor Advisory Committee
Climate Action Committee	Town/School Partnership Committee
Commission for the Disabled	Tree Planting Committee
Committee on Town Org & Structure	Trustees of Walnut Hills Cemetery
Council on Aging	
Economic Development Advisory Board	

**From:** Daniel F. Bennett  
Building Commissioner

**Re:** The Residences of South Brookline,  
Comprehensive Permit Application to  
construct a 192 unit rental unit development  
within existing Hancock Village apartment  
complex.



On November 26, 2013, the Zoning Board of Appeals received an application for a M. G. L. ch. 40B Comprehensive Permit to construct a 192 unit rental unit development (76 units in twelve two and one-half story townhome style buildings and 116 units in one four story apartment building with below-grade parking), associated accessory structures, on-site parking and site work at 21 Independence Drive (parcel 388C-01-00), 46 Independence Drive (parcel 388A-01-00) and 471 VFW Parkway (parcel 388-01-00).

Pursuant to the Comprehensive Permit Law (M.G.L. ch. 40B §§ 20-23), the Zoning Board of Appeals acts on behalf of local Town boards and officials with respect to issuing permits, approvals, etc., under Town by-laws, codes, and rules & regulations. When considering a Comprehensive Permit application, the Board is required by the statute to notify each Local Board of the application. Attached you will find the application and the list of waivers requested.

The Zoning Board of Appeals will open a public hearing for this application at the Town Hall on January 16, 2014. The applicant will make their formal presentation to the Board of Appeals at this hearing, Town Officials, Board and Commission members are encouraged to attend.



## Chestnut Hill Realty

November 26, 2013

Brookline Zoning Board of Appeals  
Brookline Town Hall  
333 Washington Street  
Brookline, MA 02445

Re: The Residences of South Brookline – Comprehensive Permit Application

Dear Members of the Board of Appeal,

On behalf of The Residences of South Brookline, LLC (the “Applicant”), a limited dividend entity and an affiliate of Chestnut Hill Realty Inc., we are pleased to submit one original and 30 copies of this application and supporting materials for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B for “The Residences of South Brookline,” a multifamily housing development located in South Brookline (the “Development”).

The Development will create 192 apartment homes on approximately 9.32 acres of land within the existing Hancock Village apartment community. Twenty percent (20%) of the newly created units will be affordably priced for tenants with incomes not exceeding 50% of the adjusted area median income level. These new homes will significantly advance many of the Town’s stated affordable housing goals and will serve the need for both affordable and market rental housing within South Brookline. The Town’s 2005 Comprehensive Plan specifically promotes the enhancement of community diversity and the addition of at least 25 affordable housing units each year. The Development will meet these and other needs previously identified by the Town.

In addition to the application materials identified herein, also enclosed is a check in the amount of \$12,750 to cover the Town’s Comprehensive Permit Application Fee of \$350, plus \$50.00 per 1,000 s.f. of the Development’s gross floor area (248,274 s.f.). We look forward to presenting our plan to the Board at an upcoming meeting.

Thank you.

Sincerely,

Marc Levin  
Director of Development

**617-323-8800**

**Executive Offices**

Box 67377, Chestnut Hill, MA 02467-0004

FAX 617-323-8801

chestnuthillrealty.com

# EXHIBIT "C"

## TOWN OF BROOKLINE BOAD OF APPEALS APPLICATION FOR COMPREHENSIVE PERMIT

Under M.G.L. c. 40B §21 and BOA Rules and Regulations

Date: 11/26/2013

**Applicant:** The Residences of South Brookline, LLC, a  
Massachusetts limited liability company

**Address:** 300 Independence Drive  
c/o Chestnut Hill Realty  
Brookline, MA 02467

**Owner of Record:** Hancock Village I LLC, a Massachusetts  
limited liability company

**Address:** 300 Independence Drive  
Brookline, MA 02467

**Address of Premises:** Independence Drive, Brookline, MA

**Deed Recorded in Registry of Deeds, Book:** 25555 **Page:** 59

**And registered in the Land Registration Office under Certificate Number:** 176360

<b>Tax Assessor's Property ID No.</b>	<b>Map:</b> 108	<b>Block:</b> 388	<b>Lot:</b> 0100
	<b>Map:</b> 108	<b>Block:</b> 388A	<b>Lot:</b> 0100
	<b>Map:</b> 110	<b>Block:</b> 388C	<b>Lot:</b> 0100

*This application shall be submitted in accordance with Part H ( Rules and Regulations for M.G.L. c. 40B §21 of the Brookline Board of Appeals Rules and Regulations. All applications must include material required in Part H Sections 3(a) and (b) – Filing, Time Limits and Notice.*

1. Filing Fee and (peer review deposit **NA**) included? Yes ☒ No
2. Fee for retention of financial expert and/or engineers or consultant included? **NA**  
Yes No
3. Thirty (30) complete copies of application including an 11" x 17" or smaller sized copy of plans.  
Yes ☒ No

**Certification and Required Signatures**  
(Signatures of Appellant and Owner of Record are required)

*The original Application with thirty (30) complete copies of the application and supporting documentation to include: Application materials required pursuant to M.G.L. c. 49B §21, Elements of submission consistent with chapter 760 CMR Section 56.05 (2) the Denial letter and all materials required in the Boards Rules and Regulation in Part H Sections 3(a) and (b). A copy of any previous relief granted by the Board for the subject premises must be filed with the Town Clerk. One extra copy of the plans reduced to 11" x 17" must be submitted with the application.*

*Note: you are encouraged to discuss your application with Building and Planning Staff and thoroughly familiarize yourself with the Board of Appeals Rules and Regulations before submittal to ensure the thoroughness of your application. Copies of Rules and Regulations are available at the office of the Town Clerk and also on-line at the Board of Appeals and the Town Clerks links on the town website. After the Board of Appeals hearing is set, the Planning board will hold a meeting prior to the Board of Appeals hearing to consider the case and make recommendation to the Board of Appeals. Contact the Planning and Community Development Department (617) 730-2130 with any questions about the approval process and/or meeting schedules. Also see meeting calendar on Town Website at [www.brooklinema.gov](http://www.brooklinema.gov).*

We certify that we have read the Board of Appeals Rules and Regulations and that the statements within our Comprehensive Permit Application and attachments are true and accurate to the best of our knowledge and belief.

**APPLICANT:**

The Residences of South Brookline, LLC

By: CM-RSB Corp., Its Manager

By:   
Edward E. Zuker, President

(617) 323-8801  
Fax Number

(617) 323-8800  
Daytime telephone number or cell

CMORAT@CHESTNUTHILLREALTY.COM  
E-mail address

**OWNER OF RECORD:**

Hancock Village I LLC

By: CM-HVI Corp., Its Manager

By:   
Peter Poras, Treasurer

(617) 323-8801  
Fax Number

(617) 323-8800  
Daytime telephone number or cell

PPORAS@CHESTNUTHILLREALTY.COM  
E-mail address

***If applicable:***

Steven Schwartz  
Name of Attorney for Appellant

(617) 574-4147  
Phone Number of Attorney

400 Atlantic Avenue, Boston, Massachusetts 02110-3333  
Address of Attorney

sschwartz@goulstonstorr.com      (617) 574-7636  
E-mail address and fax number of Attorney



## The Residences of South Brookline Application for Comprehensive Permit

The chart below lists the filing requirements for a comprehensive permit application, as identified by Section H.3 of the Town of Brookline Rules and Regulations for G.L. c. 40B §21 Comprehensive Permits (the “Local Regulations”) and identifies the Section under which the responsive materials for each requirement may be found or discussed.

Section	Requirement	Section(s)
H.3(a)(i)	Preliminary Site Development Plans	3 (full size copies under separate cover)
H.3(a)(ii)	Existing Conditions Report and Surrounding Area Assessment, Including Existing Street Elevations, Traffic, Patterns and Character of Open Areas	4
H.3(a)(iii)	Architectural Drawings and Details	5 (full size copies under separate cover)
H.3(a)(iv)	Proposed Building Tabulation	6
H.3(a)(v)	Subdivision Plan – Not Applicable	N/A <sup>1</sup>
H.3(a)(vi)	Preliminary Utilities Plan and Supporting Information	8
H.3(a)(vii)	Project Eligibility Letter from Subsidizing Agency	10
H.3(a)(viii)	List of Requested Waivers	11
H.3(a)(ix)	Subsidizing Agency Submissions	12 (copies previously provided)
H.3(a)(x)	List of Development Team	13
H.3(a)(xi)	List of Prior Development Projects	14

<sup>1</sup> Section H.3(a)(v) of the Local Regulations requires submission of a preliminary subdivision plan where a development involves a subdivision. Although no subdivision is proposed as part of the Development, a plan showing the location of the boundaries of the parcel to be ground leased to the Applicant in relation to the Hancock Village community is included here for informational purposes at Tab 7.

**The Residences of South Brookline  
Comprehensive Permit Application**

**11. List of Requested Waivers**

In accordance with Section H.3(a)(viii) of the Local Regulations and 760 CMR 56.05(2)(h), a list of requested exceptions to local requirements, codes, bylaws, and regulations is provided herein. In addition to the foregoing, the Applicant requests a waiver from all other local requirements, codes, bylaws, and regulations not specifically listed herein to the extent necessary to construct the Development in accordance with the plans submitted with this Application. The Applicant reserves the right to supplement this requested list of waivers based on modifications of the plans submitted with this Application.

For informational purposes only, also included in this Section 11 is a Waiver Plan showing the approximate locations of the Development's features for which waivers from local requirements will be required.

**The Residences of South Brookline  
Comprehensive Permit Application**

<b>THE RESIDENCES OF BROOKLINE VILLAGE – REQUESTED WAIVERS</b>					
<b>Full Size Plan under Separate Cover</b>					
<b>Brookline Zoning Bylaws</b>					
<b>Bylaw Section</b>	<b>Requirement</b>	<b>Applicable District(s)</b>	<b>Requested Waiver or Waiver</b>	<b>Details of Proposal Requiring Waiver</b>	<b>Waiver No.</b>
§4.07(6) – <i>Table of Use Regulations</i>	Multifamily Uses	S-7	Waiver to allow multifamily uses within the S-7 zoning district.	The Development is a multifamily housing development containing 13 buildings and 192 dwelling units, of which 12 buildings and 76 dwelling units will be located in the S-7 zoning district.	A
§5.01	Lot Area or Yards	S-7; M-0.5	Waiver to allow multifamily buildings within the yard areas between buildings	The Development may include multifamily buildings that are located within the front, side, and rear yard areas required under this section.	B
§5.03	Spacing of Residential Uses on the Same Lot	S-7; M-0.5	Waiver to allow construction of two or more main residential buildings without providing front, side, and rear yards between each building.	As shown on the Waiver Plan, the Development will have at least 3 buildings that will be located within the rear yard setbacks of other buildings.	C
§5.04(1)	Residential Building on Rear of a Lot	S-7; M-0.5	Waiver to allow residential buildings located on the rear of the lots to have less than an 80-foot rear yard	As shown on the Waiver Plan, in at least 3 locations on the Site, the proposed structures located toward the rear of a lot will have less than 80 feet between them.	D
§5.09	Design Review	S-7; M-0.5	Waiver from Design Review requirements.	Comprehensive Permit as may be granted by Zoning Board of Appeals shall provide all local permits per MGL c. 40B.	E
§5.10, §5.12, and Table 5.01	Minimum Lot Size, Minimum Lot Area Per Dwelling Unit	M-0.5	Waiver from minimum lot size of 3,000 sf for first dwelling unit and 2,000 sf for each additional dwelling unit	On Lot 2, the Development will have a lot size of approximately 119,187 sf within the M-0.5 District, allowing 59 total units under the bylaw requirements. The Development will include approximately 116 units in the M-0.5 District on Lot 2.	F

Bylaw Section	Requirement	Applicable District(s)	Requested Waiver or Waiver	Details of Proposal Requiring Waiver	Waiver No.
§5.13 and Table 5.01	Minimum Lot Width	S-7	Waiver from 65' minimum lot width requirement.	Most of the Development will exceed the minimum lot width of 65'; however, the Development will have a minimum lot width of approximately 11.5' measured approximately where Thornton Road crosses the Lot 2.	G
§5.20 and Table 5.01	Maximum FAR	M-0.5	Waiver from 0.5 maximum ratio of gross floor area to lot area	On Lot 2 within the M-0.5 District, the Development will have a gross floor area of approximately 132,424 sf and a lot size of approximately 119,187 sf, resulting in an FAR of approximately 1.1.	H
§5.50 and Table 5.01	Minimum Front Yard	S-7	Waiver from 30' minimum front yard requirement	Minimum 22'8" setback provided	I
§5.60, §5.62 and Table 5.01	Minimum Side Yard	M-0.5	Waiver from minimum side yard requirement of $10 + L/10$ (where "L" is the dimension of that portion of the wall required to be set back from the side lot line) and to allow retaining walls in excess of 7' in height within required side setback areas	Minimum 14.5' setback provided; retaining walls within side yards may exceed 7' in height in some locations. Appropriate fencing will be provided where necessary.	J
		S-7	Waiver from minimum side yard requirement of 20' and to allow retaining walls in excess of 7' in height within required side setback areas	Retaining walls within side yards may exceed 7' in height in some locations. Appropriate fencing will be provided where necessary.	K
§5.70 and Table 5.01	Minimum Rear Yard	S-7	Waiver from 40' minimum rear yard requirement	Minimum 4' setback provided in one location.	L
§5.91 and Table 5.01	Minimum Usable Open Space	M-0.5	Waiver from the requirement that at least 30% of the lot will be usable open space.	Less than 30% of that portion within Lot 2 within the M-0.5 District will be usable open space, as such term is defined in the Zoning Bylaw.	M
§6.02, Paragraph 1, Table of Off-Street Parking Requirements	Number of Parking Spaces per Dwelling Unit	M-0.5	Waiver from the requirement to provide 2.0 spaces per 1 and 2 bedroom unit and 2.3 per 3-bedroom units	On Lot 2 in the M-0.5 District, the Development will provide 146 parking spaces per 1 or 2-bedroom dwelling unit. An additional 23 spaces located on Lot 2 will be shared with buildings 8 and 9.	N



Bylaw Section	Requirement	Applicable District(s)	Requested Waiver or Waiver	Details of Proposal Requiring Waiver	Waiver No.
§6.04	Design of Off-Street Parking Facilities	S-7; M-0.5	Waiver from minimum aisle width of 24'.	The Development will provide a minimum aisle width of 22'.	O
§6.05	Bicycle Space and Design Regulations	S-7; M-0.5	Waiver from requirements to provide one bicycle space per five housing units (excluding ground floor units) and requirement that circulation, design, location, and maintenance be in compliance with Section 5.09 of the Zoning Bylaw and the Planning Board's Bicycle Guidelines	The Development will provide 52 total bicycle spaces (0.27 bicycle spaces per dwelling unit); design, circulation, location, and maintenance shall be in compliance with MGL c. 40B standards.	P
§5.30-5.32 and Table 5.01	Maximum Height of Buildings	S-7; M-0.5	Although the height of each building appears to comply with applicable requirements, we request a waiver from height requirements to the extent the buildings exceed height requirements using any of the various calculation methods set forth in the Zoning Bylaw.	The Development will provide buildings of approximately 35 feet or less in height, as measured in accordance with the calculations set forth in Section 5.30-5.32 of the Zoning Bylaw.	Q

**Brookline General Bylaws**

Bylaw Section	Requirement	Requested Waiver or Waiver	Details of Proposal Requiring Waiver	Waiver No.
5.10.3.d	Neighborhood Conservation District	Waiver from Neighborhood Conservation District permit requirements and applicable design standards and restrictions.	Comprehensive Permit as may be granted by Zoning Board of Appeals shall provide all local permits per MGL c. 40B.	R



**OFFICE OF THE TOWN ADMINISTRATOR  
MEMORANDUM**

**TO:** Department Heads  
Chairpersons of Town Boards and Commissions

**FROM:** Mel Kleckner, Town Administrator

**DATE:** January 14, 2014

**RE:** Hancock Village 40B Development Proposal

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On December 3, 2013, the Building Commissioner notified you that the Zoning Board of Appeals ("Zoning Board") had received an Application for a Comprehensive Permit pursuant to M.G.L. Ch. 40B, to construct a 192 unit rental unit development (76 units in twelve two and one-half story townhome style buildings and 116 units in one four story apartment building with below-grade parking), associated accessory structures, on-site parking and site work at 21 Independence Drive (parcel 388C-01-00), 46 Independence Drive (parcel 388A-01-00) and 471 VFW Parkway (parcel 388-01-00) (Hancock Village).

Pursuant to the Comprehensive Permit Law (M.G.L. ch. 40B §§ 20-23), the Zoning Board acts on behalf of local town boards and officials with respect to issuing permits, approvals, etc., under Town by-laws, codes, and rules & regulations. When considering an application for a Comprehensive Permit, the Zoning Board must "take into consideration the recommendations of the local boards" (see M.G.L. ch. 40B § 21) and invite local boards and officials to participate in the hearings. The Zoning Board is therefore requesting input on the Application from all relevant Town boards, commissions, and officials.

Copies of the Application, the Applicant's list of requested waivers, proposed plans, and other pertinent information have been provided to you, or remain available for your review in the Planning and Community Development Department and/or on the Department's website ([brooklinema.gov](http://brooklinema.gov)).

As anticipated, the Zoning Board will be opening the public hearing on the Application on Thursday, January 16, 2014 at 7:00 PM in the Selectmen's Hearing Room. On that date, the Applicant is expected to present its proposal for the development to the Zoning Board. You or a representative of your department, board or commission, as appropriate, are strongly encouraged to attend this presentation. Thereafter, the Zoning Board will tentatively hear from the public and from participating boards and officials beginning on February 13, 2014. Please ensure that all written recommendations and related materials pertaining to the Application for the Comprehensive Permit are submitted to the Planning Department before February 6, 2014.

Thank you in advance for your prompt attention to this important Town matter.

## **OVERRIDE STUDY COMMITTEE**

### **BACKGROUND INFORMATION FOR JANUARY 22, 2014 PUBLIC HEARING**

**(Selectmen's Hearing Room, 6<sup>th</sup> Floor, Town Hall, 333 Washington Street, 6 PM)**

#### **I. POTENTIAL SCOPE OF PROPOSED OVERRIDE**

##### **Operating Override Through FY18**

Includes "structural deficit," collective bargaining, growth in School population, enrollment-driven "catch up" (e.g., guidance counsellors, psychologists, nurses, Special Education support), educational program enhancements (e.g., math and literacy initiatives), and Educational Technology enhancements (e.g., hardware and teacher professional development). To avoid annual overrides, the goal would be an override adequate to meet needs for several years. Using projected FY18 figures:

"Base Case" FY18 School Deficit with collective bargaining	\$ 4.5m
FY 18 School deficit for proposed "catch up" and enhancements	7.3m
FY 18 School deficit for technology proposal	<u>2.2m</u>
	\$ 14.0m

##### **Capital Debt Exclusion Override**

Devotion @ \$110 million; Driscoll @ \$53 million; High School @ \$75 million (current estimates \$40-90 M). Total \$238 million. Assume 30% MSBA funding of Devotion and 35% funding for Driscoll and High School (may be optimistic). Town share \$150 million. We have debt capacity within the Capital Improvement Plan for \$54 million. By excluding the Devotion School project, that \$54 million, along with run-off of existing debt, would be freed-up to be applied to the Driscoll and High School projects. Assuming a 25-year level-payment bond, at 4.75% interest, the annual debt service for the Town's share of the Devotion School project (\$77 million) would be \$5.3 million.

**NOTE:** This figure does not change existing priorities currently allocated in the CIP, nor allow for funding potential projects such as the renovation of Pierce, renovation of the Coolidge Corner Library, or possible expansion of Baker or other schools if required by expansion at Hancock Village. Those amounts would be in addition to these figures.

<b>Total Override Amount</b>	<b>\$ 19.3 million</b>
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#### **IMPACTS (assume residential exemption for single-family, condo) (11% tax increase)**

Typical Single-Family Home (\$1,114,000)	\$1,175	(11% tax increase)
Typical Condo (\$447,000)	\$340	(11% tax increase)
Typical Commercial Property	\$2,380	(11% tax increase)

## **II. COMMUNITY PRESERVATION ACT**

The Town would also have the option of approving a property tax increase of up to 3% under the Community Preservation Act (or CPA), which could substitute for a portion of a general override or debt exclusion. Such an override would come with some restrictions (e.g., a minimum of 10% of the funds must be used for each of three categories – historic preservation, open space, and affordable housing), but there is the benefit of a state match (currently assumed to be about 25%) that would leverage the amounts raised from the property tax increase. There are planned capital programs for which CPA monies could be used.

## **III. POTENTIAL SOURCES OF NON-PROPERTY TAX REVENUES AND SAVINGS**

The following is a list of potential revenues sources (other than annual property tax increases identified in Sections I and II), efficiencies, and savings from reductions in Town or School services that have been discussed by various subcommittees of the Override Study Committee. These changes in policies and practices are not recommendations at this time, but rather are possible ways to mitigate the property tax increase that would be required by the deficit and requests set out in Section I above. This list is not necessarily exhaustive.

- Increase parking meter rates to \$1.25/hr
- Increase refuse fees (\$25- \$75 increase from current \$200)
- Increase parking fines
- Increase commercial parking rates
- Institute fee for temporary on-street permits (e.g., contractors)
- Increase library fines
- Real Estate Transfer tax (0.1% or 0.2%)
- Increase Recreation Department Fees (depends on program), including Soule program if it continues in the Recreation Department
- Additional Library and Cemetery Fund contributions
- Increase Cemetery rates
- More aggressive pursuit of Payments in Lieu of Taxes (PILOTs) (requires agreement from not-for-profit entities to make voluntary payments)
- Legislation to pursue State funding for METCO deficits; State and insurance funding for medical and transportation costs for special needs populations
- Manage personnel costs to sustainable levels. Adhere to the 2008 OSC recommendation that the total compensation package remain within Proposition 2 ½ limits (including collective bargaining increases, “steps,” and “lanes”).

- Examine elements of collective bargaining agreements other than direct compensation (e.g., sick-leave bank, overall leave allowances)
  - Decrease employer share of health insurance costs (must be collectively bargained; MA average at 70%; Brookline at 83%; each 1% is approximately \$270,000)
  - Work with Mass Municipal Association and legislators to allow “grandfathering” of contribution rates with higher rates for new employees and new retirees under Chapter 32, Section 19.
  - Work with MMA, GIC, and Public Employees Retirement Administration Commission (PERAC) to eliminate the GIC regulation linking health insurance and participation in retirement system; would allow the retirement board to consider increasing the number of hours to become a member of the retirement system without making employees ineligible for health insurance while an active employee. (Reduces OPEB liability.)
  - Educate and incentivize use of HMOs rather than PPOs, indemnity plans (each 1% shift from PPO to HMO saves approximately \$30,000).
  - Pro-rate years of service for OPEB (Other Post-Employment Benefits) eligibility for part-time employees (e.g., lifetime medical insurance for retired half-time employee and spouse begins at age 55 after 10 years of service; change to 20 years for half-time employee; decision of Retirement Board)
- 
- Increase average K-8 class size by 2 students (savings would result from reduced need for salaries and classrooms).
  - Increase flexibility in the enrollment and placement process.
  - Scale back High School Tutorial Program (direct cost savings plus capital savings of reduced classroom need)
  - Treat Elementary World Languages (EWL) as a “Special”
  - Review EWL program for effectiveness; possibly reduce/eliminate
  - Consolidate Town and School Early Education Programs (possible capital savings at Baldwin, Soule, and other buildings)
  - Increase rates for Brookline Early Education Program to rates for comparable programs
  - Reduction or elimination of Materials Fee Program to achieve operating and capital savings
  - Reduction or elimination of METCO program to achieve operating and capital savings
  - Charge Extended Day for space; consider Recreation Department management
  - Fee-based full-day kindergarten (to be implemented after full Chapter 70 funding level is reached)
  - Charge teacher day-care program for use of Baldwin space
  - Increase charges for other School space rental, such as gyms
  - Move Adult and Community Education to Recreation Department

- Phase in “catch up” costs, Technology Plan, enhancements
- Privatization of School lunch program
- Revisit the use of Old Lincoln School as a permanent K-8 facility
- Outsourcing of park maintenance, grass cutting
- Reduce minimum manning of fire trucks from 4 to 3 (collective bargaining required)
- Elimination of one fire company (does not require collective bargaining )
- Reduce police details for Town projects
- Reduced Library hours and/or closure or reduction of hours at Putterham Branch Library
- Eliminate Community Health Service, Day Care Inspections
- Coordination/consolidation of Town Information Technology and School Educational Technology division
- Outsourcing of School IT Help Desk
- Use level-payment borrowing where appropriate.
- Use \$3 million of tax revenues released by debt-financing of capital projects to fund OPEB liabilities. Use one-time monies such as taxi-medallion revenues, to fund OPEB liabilities.



## ADVISORY COMMITTEE MEETING SCHEDULE AS OF 1/9/14

MEETINGS START AT 7:30 PM & ARE HELD IN ROOM 103, BROOKLINE TOWN HALL UNLESS OTHERWISE NOTED;  
CALL 617-232-3644 / OR EMAIL: ABRAUDY@BROOKLINEMA.GOV TO CONFIRM MEETING DATES/TIMES

### January

**21 Advisory** Committee Meeting  
Organizational Discussion  
Reserve Transfer  
Ch. 44 Invoice

### February

**11 Presentation of Financial Plan**  
**13 No Advisory** Committee Meeting  
**Warrant Opens**  
**18-21: No Advisory** Committee Meetings *School Vacation*  
**25 No Advisory** Committee Meeting  
**27 Advisory** Committee Meeting  
*Administration/Finance Budget Reviews: Town Clerk's Office; Finance Department; Debt and Interest; Unclassified; Selectmen; Advisory Committee; Information Technology*

### March

**4 Advisory** Committee Meeting  
*Planning/Regulation Budget Reviews: Planning and Community Development; Economic Development; Legal Services*  
**6 Advisory** Committee Meeting  
*Human Services Budget Reviews: Council on Aging; Human Relations Youth Resources; Veterans' Services*  
*Personnel Budget Reviews: Human Resources Department; Personnel Benefits*  
**11 Advisory** Committee Meeting  
*Human Services Budget Review: Library*  
*Capital Budget Review: Public Works*  
**13 Advisory** Committee Meeting  
**Warrant Closes**  
*Public Safety Budget Reviews: Police; Fire*  
*Human Services Budget Review: Health Department*  
**18 Advisory** Committee Meeting  
*Review of Preliminary Warrant, Subcommittee Assignments*  
*Capital Budget Reviews: Building, Recreation*  
**20 Advisory** Committee Meeting  
*Capital Improvements Program Review- I (All Public Works Projects)*  
*Warrant Articles*

**25 Advisory** Committee Meeting  
*Capital Improvements Program Review- II (All Other Projects)* *Warrant Articles*  
**27 Advisory** Committee Meeting  
*Warrant Articles*

### April

**1 Advisory** Committee Meeting  
*Warrant Articles*  
**3 No Advisory** Committee Meeting  
**8 Advisory** Committee Meeting  
*School Budget Review*  
*Warrant Articles*  
**10 Advisory** Committee Meeting  
*Warrant Articles*  
**15 No Advisory** Committee Meeting  
*2<sup>nd</sup> night of Passover*  
**17 Advisory** Committee Meeting  
*Warrant Articles*  
**22 – 25: No Advisory** Committee Meeting  
*School Vacation*  
**29 Advisory** Committee Meeting  
*Warrant Articles*

### May

**1 Advisory** Committee Meeting  
*If Necessary* **Combined Reports Printed for mailing**  
**6 No Advisory** Committee Meeting  
*Town Elections*  
**8 Advisory** Committee Meeting  
*If Necessary*  
**13 Advisory** Committee Meeting  
*If Necessary*  
**15 Advisory** Committee Meeting  
*If Necessary*  
**20 Advisory** Committee Meeting  
*If Necessary*  
**22 Advisory** Committee Meeting  
**27 Town Meeting**

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2330; TDD (617) 730-2327.